

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
MICHAEL BAMBERY,)
)
Defendant.)

Case No. 8:15CR332

ORDER

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#40). On December 30, 2015, Pretrial Services Officer Quintin Erdman submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

The defendant shall:

- (m) Refrain from any use or possession of alcohol.
- (n) Not possess or use a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner.
- (o) Submit to any method of testing at his/her own expense as required by the officer for determining whether the defendant is using a prohibited substance. Such methods may be used for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and may include urine testing, the wearing of a sweat patch, blood tests, and/or a remote alcohol testing system. Defendant shall not obstruct or attempt to obstruct or tamper in any fashion with the efficiency and accuracy of any substance testing equipment, nor submit samples of body fluids which are not his/her own, nor otherwise adulterate any samples submitted for testing. All collections of fluids for testing shall be at the defendant's expense, payable at the time of collection.

On December 30, 2015, the defendant admitted to U.S. Probation Officer Krystal Taylor, in the District of Minnesota, he snorted 10 lines of cocaine, consumed marijuana and alcohol. The defendant reported using the above substances on December 25, 2015. On December 30, 2015, Mr. Bambery provided a urinalysis that tested presumptive positive for methamphetamine, cocaine and THC. Additionally, the defendant has repeatedly failed to submit to drug screenings and recently attempted to obstruct/tamper with a substance abuse test by using a Whizzinator.

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on January 4, 2016. Karen Shanahan, Assistant Federal Public Defender represented Defendant. Russell Mayer, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Quintin Erdman dated January 4, 2016. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (#40) is granted;
2. Final disposition of the petition and the issue of detention will be addressed at the hearing set for **January 8, 2016, at 10:00 A.M.**, before Magistrate Judge Thomas D. Thalken; and
3. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the Court of the United States or on the request of an attorney for the Government, the person in charge of the correctional facility shall deliver Defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 4th day of January 2016.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge